

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Moran	Team: Squad #6	CCRB Case #: 202004058	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/06/2020 6:13 PM	Location of Incident: Bowery and Canal Street	Precinct: 05	18 Mo. SOL 12/6/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 06/07/2020 11:12 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 06/07/2020 11:12 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Antonio Martinez	16214	959793	070 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Faisal Chowdhury	13129	965985	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Antonio Martinez	Abuse: Police Officer Antonio Martinez refused to provide his shield number to § 87(2)(b)	

Case Summary

On June 7, 2020, § 87(2)(b) filed the following complaint online with the CCRB.

On June 6, 2020, at approximately 6:13 p.m., due to crowding from nearby protests, in which § 87(2)(b) had participated, § 87(2)(b) walked his bike around the Manhattan Bridge. PO Antonio Martinez and PO Faisal Chowdhury from the 70th Precinct stood at the entrance to the Manhattan Bridge by Bowery and Canal Street in Manhattan. PO Martinez had a mourning band placed over his shield (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) approached PO Martinez and told him his mourning band covered his shield number and asked him to move it so that he could see his shield number. PO Martinez did not show his shield number to § 87(2)(b) (**within Allegation A**). No summons was issued, and no arrest was made.

The nature of the incident did not require the use of BWC as per the Patrol Guide (BR 01-02).

A spin-off under case 202006055 was generated to address the unidentified supervisor who failed to supervise PO Martinez.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Antonio Martinez refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) provided a photograph of PO Martinez that he took during the incident (BR 03). It is undisputed that in the photograph, PO Martinez had a black mourning band across his shield number located on his uniform.

§ 87(2)(b) testified that PO Martinez stood at the entrance of the Manhattan Bridge on a street corner island with PO Chowdhury (BR 04). § 87(2)(b) saw that PO Martinez had a black mourning band over his shield. He walked over and told PO Martinez that he could not read his shield number and to please move it [the mourning band] up. PO Martinez told § 87(2)(b) okay and then laughed. PO Martinez looked at his badge and did not do anything. PO Martinez did not show his shield number to § 87(2)(b). § 87(2)(b) tried to look at PO Martinez's helmet shield number, but it was covered by the plastic visor. § 87(2)(b) then went to a supervisor to complain that PO Martinez's shield number was obstructed by a mourning band. The supervisor laughed at § 87(2)(b) and did not speak with PO Martinez. Approximately five to ten minutes later, § 87(2)(b) went back to where PO Martinez was located to see if he had removed his mourning band. PO Martinez still had his shield number covered and so § 87(2)(b) took a picture of him. He only took one photograph.

PO Martinez testified that he wore a mourning band to honor the officers who passed away due to Covid-19. During PO Martinez's detailed post, a civilian, identified via investigation as § 87(2)(b), approached PO Martinez with his phone out and told him that his shield was covered. (BR 06). § 87(2)(b) never asked PO Martinez to show his shield or to provide his shield number. A photo provided by § 87(2)(b) that depicted PO Martinez at the protest on this incident date was presented to PO Martinez (See IA #25). PO Martinez recognized the individuals in the photo as himself and PO Chowdhury. PO Martinez confirmed that the photo showed a mourning band over his shield number. However, PO Martinez denied that he intentionally placed the mourning band over his shield number and believed it might have fallen over the numbers. To his understanding, it was not the proper way to wear a mourning band. PO Martinez acknowledged that § 87(2)(b) told him that his shield number was covered but said it would not have been

safe to look down and move the band up since there were protesters in the area, and anything could happen if he became distracted. However, there were no specific safety concerns with § 87(2)(b). Since § 87(2)(b) did not request his shield number, PO Martinez did not provide it, but stated that his shield number was visible on his helmet.

PO Chowdhury did not recall seeing § 87(2)(b) or if he asked PO Martinez to show his shield number (BR 05). PO Chowdhury was informed to wear the mourning band on the top cross insignia of their shields. After PO Chowdhury viewed the photograph provided by § 87(2)(b) he corroborated that PO Martinez's mourning band was placed over his shield number. However, PO Chowdhury testified that at the start of their tour, PO Chowdhury saw PO Martinez's mourning band across the top insignia of his shield.

Members of service must courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so Patrol Guide 203-09 (BR 07). Members of service may wear black elastic mourning band, ½ inch wide, on the shield, covering the seal of the city, but leaving the shield number or rank designation visible, upon the death of a member Patrol Guide 204-17 (BR 08).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint. (BR 09):
- PO Martinez has been a member of service for four years and has no prior CCRB history (BR 10).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.

- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 11).
- As of July 10, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 12).

Squad No.: 6

Investigator: Julia Moran Inv. Julia Moran 9/3/2020
Signature Print Title & Name Date

Squad Leader: Jessica Peña IM Jessica Peña 9/8/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date